

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SYNOPSIS, INC.,
a Delaware corporation,

Plaintiff,

v.

MAGMA DESIGN AUTOMATION,
a Delaware corporation,

Defendant.

C.A. No. 05-701 (GMS)

SCHEDULING ORDER

This 28th day of Dec., 2005, the Court having conducted a Rule 16 Scheduling Conference pursuant to Local Rule 16.2(b) on December 19, 2005, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation or binding arbitration;

IT IS ORDERED that:

1. **Rule 26(a) Initial Disclosures.** The parties made their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a) on December 15, 2005.
2. **Joinder Of Other Parties And Amendment Of Pleadings.** All motions to amend the pleadings shall be filed on or before March 24, 2006. All motions to join additional parties shall be filed on or before January 6, 2006.
3. **Reliance Upon Advice Of Counsel.** The parties shall inform each other whether they intend to rely upon advice of counsel as a defense to willful infringement no later than August 31, 2006. If a party elects to rely on advice of counsel as a defense to willful infringement, that party shall produce any such opinions on which it intends to rely with its notice.

4. **Markman Claim Construction Hearing.** A *Markman* claim construction hearing shall be held on December 1, 2006 at 9:30 a.m. The *Markman* hearing is scheduled for a total of 6 hours with each side having 3 hours. The parties shall exchange proposed terms and claim elements for construction on August 25, 2006. The parties shall then exchange preliminary claim constructions and identify the intrinsic and extrinsic evidence on which they will rely on September 8, 2006. The parties shall meet and confer regarding narrowing and reducing the number of claim construction issues. On or before October 13, 2006, the parties shall submit a Final Joint Claim Chart which shall include citations to intrinsic evidence. The parties shall file opening claim construction briefs on November 3, 2006, and the answering claim construction briefs on November 17, 2006. The parties shall file a joint appendix containing the relevant portions of the prosecution history of the patents in issue with the opening briefs on November 3, 2006.

5. **Discovery.** All fact discovery in this case shall be initiated so that it will be completed on or before September 29, 2006. Expert discovery in this case shall be initiated so that it will be completed on or before March 23, 2007. Opening expert reports on issues for which the party has the burden of proof shall be served on or before January 19, 2007. Rebuttal expert reports shall be served on or before February 16, 2007.

a. **Discovery And Scheduling Matters.** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking the relief shall contact chambers at (302) 573-6470 to schedule a telephone conference. Not less than 48 hours prior to the teleconference, the parties shall file with the Court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. A sample letter can be located on this Court's website at <www.ded.uscourts.gov>. Should the

Court find further briefing necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the Court a **TWO PAGE LETTER**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of service of the opening letter an answering letter of no more than **TWO PAGES**. The party seeking relief may then file a reply letter of no more than two (2) pages within three (3) days from the date of service of the answering letter.

6. **Confidential Information And Papers Filed Under Seal.** Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court within ten (10) days from the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

If after making a diligent effort the parties are unable to agree on the contents of the joint proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 5(a).

7. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement. If the parties agree that the possibility of settlement may be enhanced by such referral, the parties shall contact United States Magistrate Judge Thygne to schedule a settlement conference with counsel and the clients.

8. **Summary Judgment Motions.** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than

December 5, 2006. Answering letter briefs shall be no longer than five (5) pages and filed with the Court on or before December 19, 2006. Reply letter briefs shall be no longer than three (3) pages and filed with the Court on or before December 27, 2006. The Court shall hold a telephonic Status Conference to hear argument and to determine whether the filing of any motion for summary judgment will be permitted on January 4, 2007 at 11:00 a.m. **Unless the Court directs otherwise, no letter requests to file a motion for summary judgment may be filed at a time before the dates set forth in paragraph 8.**

9. **Case Dispositive Motions.** All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before January 8, 2007. Answering briefs and affidavits, if any, in support thereof, shall be served and filed on or before January 22, 2007. Reply briefs shall be served and filed on or before January 31, 2007. Any request for extension of time as set forth in this Scheduling Order **must** be accompanied by an explanation or the request will be denied.

10. **Application By Motion.** Except as provided in this Scheduling Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via electronic means (CM/ECF). Unless otherwise requested by the Court, counsel shall **not** deliver copies of papers or correspondence to chambers. Any nondispositive motion should contain the statement required by Local Rule 7.1.1.

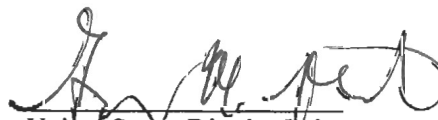
11. **Oral Argument.** If the Court believes that oral argument is necessary, the Court will schedule a hearing pursuant to District of Delaware Local Rule 7.1.4.

12. **Daubert Issues.** The parties shall submit any *Daubert* issues with the Pretrial Order, except that they may request a teleconference with the Court if they see a need to address any such issues at an earlier date.

13. **Pretrial Conference.** On May 15, 2007, beginning at 10:00 a.m., the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order (a sample form of Pretrial Order can be located on this Court's website at <www.ded.uscourts.gov>) satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). Thirty (30) days before the Joint Proposed Pretrial Order is due, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendant's counsel shall, in turn, provide to plaintiff's counsel any comments on the plaintiff's draft as well as the information defendant proposes to include in the proposed pretrial order. *Motions in limine:* No party shall file more than ten (10) motions *in limine*. The parties shall exchange opening *in limine* briefs on March 19, 2007, answering *in limine* briefs on April 2, 2007 and reply *in limine* briefs on April 16, 2007. Briefs (**opening, answering and reply**) on all motions *in limine* shall be filed by April 16, 2007 with the Pretrial Order. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before April 16, 2007.

14. **Trial.** This matter is scheduled for a 10-day jury trial beginning 9:00 a.m. on June 11, 2007.

15. **Scheduling.** The parties shall contact Chambers at (302) 573-6470, only in situations where scheduling relief is sought, and only then when ALL participating counsel is on the line for purposes of selecting a new date.



United States District Judge

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